

**A RESOLUTION  
BY CITY UTILITIES COMMITTEE**

**06-R-1634**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION, FOR LOWERING AND RAISING WATER FACILITIES FOR MAINTENANCE MILLING AND RESURFACING PROJECTS OF THE DEPARTMENT OF TRANSPORTATION, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, IN AN AMOUNT NOT TO EXCEED ONE HUNDRED FIFTY THOUSAND DOLLARS AND NO CENTS (\$150,000.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER: 2J21 (WATER AND WASTEWATER RENEWAL AND EXTENSION) 574001 (FACILITIES OTHER THAN BUILDINGS) Q65J08039999 (WATER MAINS, VARIOUS LOCATIONS); AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta's ("City") Department of Watershed Management ("DWM") has water facility valves and manhole covers located in the State of Georgia Department of Transportation ("GADOT") rights-of-way; and

**WHEREAS**, the GADOT District Seven Maintenance Milling and Resurfacing Projects engage in road resurfacing and other projects within the City limits; and

**WHEREAS**, previously GADOT notified the City when it needed the valves and manhole covers lowered and raised for road resurfacing and other projects in the GADOT rights-of-way; and

**WHEREAS**, frequently the DWM was unable to respond in a timely manner to the GADOT requests because of budget or contract constraints; and

**WHEREAS**, these delays have caused problems between the City and GADOT and often leads to restrictions on City permits in GADOT rights-of-way; and

**WHEREAS**, the Commissioner of the Department of Watershed Management has determined it is in the best interest of the City to enter into an agreement with GADOT to reimburse GADOT for lowering and raising valves and manhole covers associated with road resurfacing and other projects; and

**WHEREAS**, GADOT agrees to include the lowering and raising of the valves and manhole covers as part of the Construction Contracts for the GADOT District Seven Maintenance Milling and Resurfacing Projects.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES**, that the Mayor is authorized to execute an Agreement with the State of Georgia Department of Transportation ("GADOT"), in substantial form as the agreement attached hereto as Exhibit "A", for lowering and raising valves and manhole covers in the

GADOT rights-of-way for GADOT District Seven Maintenance Milling and Resurfacing Projects in an amount not to exceed One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00).

**BE IT FURTHER RESOLVED**, the City Attorney is directed to prepare an appropriate Agreement for execution by the Mayor.

**BE IT FURTHER RESOLVED**, that this Agreement will not become binding on the City and the City will incur no liability or obligation under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to GADOT.

**BE IT FINALLY RESOLVED**, all contracted work will be charged to and paid from Fund, Account and Center Number: 2J21 (Water & Wastewater Renewal & Extension) 574001 (Facilities Other Than Buildings) Q65J08039999 (Water Mains, Various Locations).

**AGREEMENT**  
**BETWEEN**  
**DEPARTMENT OF TRANSPORTATION**  
**STATE OF GEORGIA**  
**AND**  
**CITY OF ATLANTA**

This AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2006, by and between the DEPARTMENT OF TRANSPORTATION District Seven, an agency of the State of Georgia, hereinafter called the "DEPARTMENT", and the CITY OF ATLANTA, hereinafter called "CITY" acting by and through its Mayor and City Council,

WHEREAS, the CITY has represented to the DEPARTMENT a desire to participate in certain activities of DEPARTMENT OF TRANSPORTATION District Seven Maintenance Milling and Resurfacing Projects as set forth in this AGREEMENT.

NOW THEREFORE, in consideration of the mutual promises made and of the benefits to flow from one to the other, the DEPARTMENT and the CITY hereby agree each with the other as follows:

1. CITY agrees to compensate the DEPARTMENT in the amount of **\$150,000.00 dollars** for the fiscal year 2007 (July 1, 2006 to June 30, 2007) which will be used to reimburse The DEPARTMENT for the cost incurred by the DEPARTMENT for lowering and raising the CITY water facilities (valves and manholes) within the roadway of the DEPARTMENT OF TRANSPORTATION District Seven Maintenance Milling and Resurfacing Projects.
2. The DEPARTMENT agrees to make the Work of lowering and raising of the CITY water facilities (valves and manholes) a part of the Construction Contracts for the DEPARTMENT OF TRANSPORTATION District Seven Maintenance Milling and Resurfacing Projects and the Department will obtain competitive pricing for lowering and raising of the CITY water facilities (valves and manholes). The DEPARTMENT will provide documentation to the CITY to support the costs to perform the Work by the Contractor of the DEPARTMENT.
3. The DEPARTMENT agrees to credit the CITY for any of the funds provided by the CITY that are not expended by the DEPARTMENT in the fiscal year 2007.

IN WITNESS WHEREOF, the DEPARTMENT and the CITY have caused these presents to be executed under seal by their duly authorized representatives.

RECOMMENDED:

\_\_\_\_\_  
District Engineer

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_  
Commissioner or Designee

**CITY OF ATLANTA:**

By: \_\_\_\_\_

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_

\_\_\_\_\_  
Municipal Clerk (SEAL)  
Secretary

**RECOMMENDED:**

\_\_\_\_\_  
Commissioner, Department of  
Watershed Management

**APPROVED:**

\_\_\_\_\_  
Chief Financial Officer

\_\_\_\_\_  
Chief Procurement Officer, Department  
of Procurement

\_\_\_\_\_  
Chief Operating Officer/Chief of Staff

**APPROVED AS TO FORM:**

\_\_\_\_\_  
City Attorney

**CONTRACTOR**

By: \_\_\_\_\_

\_\_\_\_\_  
President/Vice President

**ATTEST:**

\_\_\_\_\_

\_\_\_\_\_  
Corporate Secretary/Assistant  
(affix seal)

Signed, sealed and delivered this \_\_\_\_\_  
day of \_\_\_\_\_, 2006, in the  
presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Notary Public

This Agreement approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Megan S. Middleton

*Megan S. Middleton*

Contact Number: 6207

Originating Department: Watershed Management

Committee(s) of Purview:

Council Deadline: July 31, 2006

Committee Meeting Date(s): August 16, 2006 Full Council Date: August 21, 2006

Commissioner Signature

*[Signature]*

CAPTION

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FINANCIAL IMPACT (if any) \$150,000.00

Mayor's Staff Only

Received by Mayor's Office:

7/31/06  
(date)

Reviewed by:

*[Signature]*

Submitted to Council:

8/1/06  
(date)